

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

TYRONE HENRY McMILLER,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-14-161-W
)	
CORRECTIONS CORPORATION OF)	
AMERICA et al.,)	
)	
Defendants.)	

ORDER

On October 18, 2016, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the Motion for a Temporary Restraining Order and a Preliminary Injunction filed by plaintiff Tyrone Henry McMiller be denied. See Doc. 123. Although McMiller, who is proceeding pro se, was advised of his right to object, see id. at 4, and of the consequences of his failure to do so, see id., no objections have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's suggested disposition of McMiller's motion. Temporary restraining orders and preliminary injunctions are extraordinary remedies, and McMiller has not shown that his "'right to [such] relief . . . [is] clear and unequivocal.'" Schrier v. University of Colorado, 427 F.3d 1253, 1258 (10th Cir. 2005)(quotation and further citations omitted).

McMiller has alleged in this action that during his incarceration in Cimarron Correctional Facility his wrists were injured by the unlawful use of excessive force on November 5, 2013. The prison officials whose conduct is the subject of the instant motion are employed at James Crabtree Correctional Center and Oklahoma State Reformatory

and are not parties to this litigation; their actions, about which McMiller has complained, occurred during his incarceration at those facilities and are not related to the events giving rise to this lawsuit. E.g., De Beers Consolidated Mines, Ltd. v. United States, 325 U.S. 212, 220 (1945)(preliminary injunction only appropriate to grant intermediate relief of same character as that which may ultimately be granted); Little v. Jones, 607 F.3d 1245, 1251 (10th Cir. 2010)(movant must establish relationship between injury claimed in motion and conduct asserted in complaint).


Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 123] issued on October 18, 2016;

(2) DENIES McMiller's Motion for a Temporary Restraining Order and a Preliminary Injunction [Doc. 116] file-stamped July 28, 2016; and

(3) RE-REFERS this matter to Magistrate Judge Erwin for further proceedings.

ENTERED this 18th day of November, 2016.


LEE R. WEST
UNITED STATES DISTRICT JUDGE